

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
Case No. 5:24-cv-00420-BO-BM

JOHNNY THOMAS ORTIZ, II, et al. )  
Plaintiffs, )  
and )  
CORNEL WEST, et al., )  
Intervenor-Plaintiffs, )  
v. )  
NORTH CAROLINA STATE BOARD OF )  
ELECTIONS, et al., )  
Defendants. )

**DEFENDANTS' LOCAL RULE 56.1  
RESPONSE TO PLAINTIFFS'  
STATEMENT OF UNDISPUTED  
MATERIAL FACTS AND  
DEFENDANTS' COUNTER-  
STATEMENT OF UNDISPUTED  
MATERIAL FACTS IN  
OPPOSITION TO PLAINTIFF'S  
MOTION FOR SUMMARY  
JUDGMENT**

**DEFENDANTS' RESPONSE TO  
PLAINTIFFS' STATEMENT OF UNDISPUTED MATERIAL FACTS<sup>1</sup>**

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. Admitted.
6. Admitted.
7. Admitted.
8. Admitted.

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<sup>1</sup> Plaintiffs' Statement of Undisputed Material facts includes subheadings. The subheadings are not undisputed material facts, and Defendants do not admit or deny them. Defendants deny any implication or inference intended to be drawn by the subheadings.

9. Admitted.

10. Admitted.

11. Admitted.

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21. Admitted.

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25. Admitted.

26. Admitted.

27. Admitted.

28. Admitted.

## **DEFENDANTS' COUNTER-STATEMENT OF UNDISPUTED MATERIAL FACTS**

29. The North Carolina State Board of Elections certified Justice For All (“JFA”) as a political party on August 20, 2024.
30. JFA’s chosen, eligible candidates, including presidential candidate Dr. West and vice-presidential candidate Abdullah, appeared on North Carolina’s November 2024 general election ballot. N.C. State Bd. of Elections Website, Press Release: State Board Recognizes Justice for All as Official Political Party in N.C. (Aug. 20, 2024), *available at* <https://www.ncsbe.gov/news/press-releases/2024/08/20/state-board-recognizes-justice-all-official-political-party-nc> (last visited July 8, 2025).<sup>2</sup>
31. For JFA to maintain its status as a certified political party, its presidential candidate<sup>3</sup> was required to get at least two percent of the votes cast for that office in the November 2024 election. *See* N.C.G.S. § 163-96(a)(1) (“A political party within the meaning of the election laws of this State shall be . . . [a]ny group of voters which, at the last preceding general State election, polled for its candidate for Governor, or for presidential electors, at least two percent (2%) of the entire vote cast in the State for Governor or for presidential electors”); *see also id.* § 163-97 (“When any political party fails to meet the test set forth in G.S. 163-96(a)(1), it shall cease to be a political party within the meaning of the primary and general election laws and all other provisions of this Subchapter.”).

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<sup>2</sup>See *Philips v. Pitt Cnty. Mem. Hosp.*, 572 F.3d 176, 180 (4th Cir. 2009) (providing courts “may properly take judicial notice of matters of public record”); *Blue Tree Hotels v. Starwood Hotels & Resorts*, 369 F.3d 212, 217 (2d Cir. 2004) (concluding courts “may also look to public records, including complaints filed in state court, in deciding a motion to dismiss”); *see also* Fed. R. Evid. 201.

<sup>3</sup>JFA did not run a gubernatorial candidate.

32. The 2024 election is now over, and the results have been certified. N.C. State Bd. of Elections Website, Press Release: State Board Unanimously Certifies 2024 General Election (Nov. 26, 2024), *available at* <https://www.ncsbe.gov/news/press-releases/2024/11/26/state-board-unanimously-certifies-2024-general-election> (last visited July 8, 2025).
33. JFA's presidential candidate received only 0.21 percent of the votes cast for that office. *See* N.C. State Bd. of Elections Website, 11/05/2024 Official General Election Results – Statewide, *available at* [https://er.ncsbe.gov/?election\\_dt=11/05/2024&county\\_id=0&office=FED&contest=1393](https://er.ncsbe.gov/?election_dt=11/05/2024&county_id=0&office=FED&contest=1393) (last visited July 8, 2025).
34. JFA is no longer a certified political party in North Carolina. *See* N.C.G.S. § 163-97; *see also* N.C. State Bd. of Elections Website, Press Release: Voters Once Affiliated with Certain NC Political Parties to Be Moved to Unaffiliated Status (June 19, 2025), *available at* <https://www.ncsbe.gov/news/press-releases/2025/06/19/voters-once-affiliated-certain-nc-political-parties-be-moved-unaffiliated-status> (last visited July 3, 2025).

[SIGNATURE PAGE FOLLOWS]

Respectfully submitted this the 21st day of July, 2025.

NORTH CAROLINA  
DEPARTMENT OF JUSTICE

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